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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/691,888

10/23/2003

Timothy P. McKee

MFCP.110115

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11/01/2006

SHOOK, HARDY & BACON L.L.P.
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INTELLECTUAL PROPERTY DEPARTMENT
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EXAMINER

LE, MIRANDA

ART UNIT

PAPER NUMBER

2167

DATE MAILED: 11/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/691,888

Applicant(s)

MCKEE ET AL.

Examiner

Miranda Le

Art Unit

2167

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 18 October 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: None.

Claim(s) objected to: None.

Claim(s) rejected: 1-28.

Claim(s) withdrawn from consideration: None.

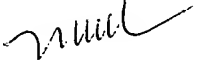
AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____


JOHN COTTINGHAM
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100


Miranda Le
October 27, 2006

Continuation of 11. does NOT place the application in condition for allowance because: Applicants' arguments do not overcome the final rejection.

1. The Applicants argue that Horn does not teach "deleting at least one of said plurality of items from said universal data store in response to said change..." as required by independent claims 9, 13, 25 because paragraph 167 of Horn states, "items may be removed from a collection by choosing the Remove command, which removes the items from the collection but does not otherwise delete the item from the source (e.g. the file system) or any other collections" (Remark, pages 10-11).

Examiner respectfully disagrees for the following reasons:

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., delete the item from the source (e.g. the file system) or any other collections) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Note that the step of deleting of an item recited in claims 9, 13, 25 does not either explicitly state, "delete the item from the source", or "delete the item from the file system. Thus, "items may be removed from a collection" in Horn read on "deleting at least one of said plurality of items from said universal data store ..." as recited in Claim 9, and "deleting at least one of said one or more target items from said universal data store..." as recited in claim 13, claim 25. It is noted that a collection of Horn equates to said universal data store limitation.

It is thus evident that the claim language as presented is still read on by the Horn reference at the cited paragraph in the claim rejections.

In addition, Horn also discloses the removing of objects from the system as in Paragraph 260 (removal of objects in the system). Therefore, Horn does teach the step of deletion of an item, as stated in paragraph 167.

2. Horn does teach "deleting at least one of said plurality of items from said universal data store in response to said change," as required by independent claims 9, 25, because:

In claims 9, 25, the term "a universal data store" can be equated with "Object Store" (See Horn, Paragraphs 0029 to 0030, i.e. Object Store: means a special database that stores and retrieves object data by unique identifier (UID)).

It is noted that this special database of Horn is also called collections or container, in which Horn's users can organize, classify objects and reference objects (See Horn, Paragraph 0030). Therefore, the term Object Store, collections, and containers of Horn are interchangeable.

Furthermore, the term 'object' and 'item' of Horn are also interchangeable (See Horn, Paragraph, 0200-0201, i.e. Foundation Objects; ... Object is something that can be organized, sorted, searched for, and otherwise manipulated by the user in MFS. MFS Objects represent entities that encapsulate a given kind of information: email messages, mailboxes, image files, text documents, and so on. Objects have intrinsic data and type (e.g. an object may be an email message) and also have attached property values).

Horn teaches deleting at least one of said plurality of items from said universal data store in response to said change as "Collections respond to changes in the environment by adding and removing objects as needed to satisfy their specification," See Horn, 226), and in Paragraph 260 as "removal of objects in the system."

3. Horn does teach "deleting at least one of said one or more target items from said universal data store if said at least one target item is not related to at least one of said one or more source items," as required in independent claim 13.

Horn teaches deleting at least one of said one or more target items from said universal data store if said at least one target item is not related (i.e. change in the environment) to at least one of said one or more source items as "Collections respond to changes in the environment by adding and removing objects as needed to satisfy their specification," See Horn, 226), and in Paragraph 260 as "removal of objects in the system."

4. Horn does teach an item life-time management control (i.e. Synchronizing with Changes, [0178-0179], Collections respond to changes, [0226]) which utilizes said associate life-time management semantics to delete one or more items from the universal data store (i.e. removes the items from the collection, [0167], objects are deleted, [0226]) in response to a change in at least a portion of said relationships ([0165-0167;0226-0231]).

Horn teach the life-time management in Paragraph 198 (Objects have a UID that is unique in the object store that never changes during the life of the program).

Therefore, the Horn system cannot be distinguished from the claim invention since Horn teaches all such elements as discussed above.

Applicant's arguments have been fully considered but they are not persuasive.